

# **Exhibit 1**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**126**  
**GOVERNMENT**  
**EXHIBIT**  
**1:10-cr-00219**

COPY

SEP - 1 2009

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Mark L. Kamholz  
Manager—Environmental Control  
Tonawanda Coke Corporation  
3875 River Road  
Tonawanda, New York 14150-6507

Re: Section 114 Letter Requiring Emissions Testing  
**Reference Number: CAA-02-2009-1475**  
Tonawanda Coke Corporation, Tonawanda, New York

Dear Mr. Kamholz:

Pursuant to Section 112 of the Clean Air Act, 42 U.S.C. § 7401 et seq. (CAA or the Act), the U.S. Environmental Protection Agency (EPA) promulgated regulations for certain coke manufacturing operations (see, e.g., 40 C.F.R. Part 61, Subpart L, § 61.130 et seq., the "National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants"; and 40 C.F.R. Part 63, Subpart L, § 61.300 et seq., the "National Emission Standards for Coke Oven Batteries"). The Tonawanda Coke Corporation (TCC) facility, located in Tonawanda, New York (the Facility), is subject to the above listed regulations, among others.

Section 114 of the Act authorizes EPA to require the submittal of information to assess any person's compliance with the Act and the regulations promulgated under the Act. Pursuant to Section 114 of the Act, this letter (Information Request) requires you, as the Manager for Environmental Control at the Facility, to submit all of the

information requested by EPA in Enclosure 1. Failure to submit the requested information is a violation of Section 114 of the Act, and may result in an order to comply, an order for administrative penalties, or a civil action for penalties and an injunction requiring compliance pursuant to EPA's enforcement authority under Section 113 of the Act (see Enclosure 2). In accordance with Section 113(c)(2)(A) of the Act, criminal penalties may be imposed on any person who knowingly makes any false material statement, representation, or certification in his/her response, or knowingly alters, conceals, or omits any material information.

You may choose to assert a business confidentiality claim covering all or part of the information submitted. You may not, however, withhold any information on that basis. In order for EPA to consider a claim of business confidentiality for one or more of the documents submitted by you, a cover sheet, stamped or typed legend or other suitable form of notice must be placed on or attached to the document, with language such as "trade secret," "proprietary" or "company confidential." Allegedly confidential portions of non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. For each confidentiality claim, the date or occurrence of any event after which the information can be released should be indicated, if applicable. If no confidentiality claim accompanies the information received by EPA, it may be made available to the public without further notice to you. EPA will disclose information covered by a confidentiality claim only to the extent allowed by, and in accordance with, the procedures set forth in 40 C.F.R. § 2.201 et seq. (See 41 Fed. Reg. 36,902 (1976)).

In order to fully comply with this Information Request, your response must include a completed Certification of Response (Attachment to Enclosure 1), notarized by a notary public and signed by you or another officer of your company. Your responses to the questions in Enclosure 1, including all supporting documents and the Certification of Response, must be submitted in duplicate to EPA **within thirty (30) calendar days after receipt of this Information Request**. Please mail your response to:

Kenneth Eng, Chief  
Air Compliance Branch  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 21<sup>st</sup> Floor  
New York, New York 10007-1866

Any request for an extension of time to respond to this Information Request, or any portion of this Information Request, must be made in writing to Kenneth Eng at the address above, and must include the reasons for your delay in responding and the requested later date for responding. An extension of time will be effective only if granted by EPA in writing.

Please include the above-cited reference number, **CAA-02-2009-1475**, in any and all of your response(s) to this Information Request. Further, if TCC obtains information different from, or in addition to, the information provided in response to this Information Request, or if there is any change affecting the information submitted, you must notify EPA and submit the relevant information to EPA no later than fifteen (15) business days after such information becomes available. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides TCC with written notice of its termination.

If you have any questions about this Information Request, please contact either Kenneth Eng, Chief, Region 2 Air Compliance Branch at (212) 637-4080, or Erick R. Ihlenburg, Assistant Regional Counsel at (212) 637-3250. We thank you in advance for your cooperation.

Sincerely,



Dore LaPosta, Director  
Division of Enforcement and  
Compliance Assistance

Enclosures

cc: Mr. Larry Stizman, RAPCE  
New York State Department of Environmental Conservation  
Region 9  
270 Michigan Avenue  
Buffalo, New York 14203 - 2999

Robert J. Stanton, P.E., Director  
New York State Department of Environmental Conservation  
Division of Air Resources  
Bureau of Stationary Sources  
625 Broadway, 2nd Floor  
Albany, New York 12233 - 3254

Colleen McCarthy, Senior Counsel  
New York State Department of Environmental Conservation  
Bureau of Air Resources  
625 Broadway, 14th Floor  
Albany, New York 12233 – 5500

Mr. Cary Secrest  
US EPA Ariel Rios Building Rm 2119  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20004

## Appendix A

Confidential Business Information (CBI) Assertion  
and Substantiation RequirementsA. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. §2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend, or other suitable form of notice, should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date if any when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the U.S. Environmental Protection Agency only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. §2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

- I. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify

that event.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 V.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air.

Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify

the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.3019a)(2)(i)(A), (B) and (C).

Emission data includes, but is not limited to, service records stating the amount of refrigerant added to a unit or reclaimed from a unit.

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.



**Enclosure 1**

In the paragraphs below, the U.S. Environmental Protection Agency (EPA) requires the submittal of information regarding operations at the Tonawanda Coke Corporation (TCC) facility in Tonawanda, New York (the Facility). In preparing your responses, please refer to the following instructions:

- A complete and separate response must be provided for each numbered paragraph and lettered subparagraph below. Precede each response with the same paragraph number and subparagraph letter to which it responds.
- Supporting documentation for your responses, including but not limited to company records and copies of notifications or reports that have been submitted to EPA or the New York State Department of Environmental Conservation (NYSDEC), must be provided. For each document submitted, indicate the numbered paragraph and lettered subparagraph to which it responds.
- Provide responses to the best of your ability, even if the information sought was never documented in writing or if the written documents are no longer available. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.
- Consult with all present and past employees and agents whom you or other employees or officers have reason to believe may be familiar with the matter to which the question pertains.
- Provide the name(s) of each person(s) responding to each paragraph or subparagraph, along with the names of all persons consulted in the preparation of each response.
- For all time periods specified below (e.g., "for the past five (5) years"), the period extends back from the date of receipt of this Information Request.

Pursuant to Section 114 of the Clean Air Act, TCC must supply the requested information. The requested information must be submitted within thirty (30) calendar days of receipt of the Information Request, unless EPA grants, in writing, an extension of time to respond.

General Facility Information

1. Provide a plot plan of the Facility, which shows the location of all the process areas, including but not limited to all the tanks and sumps.
2. Provide an engineering drawing of the Facility's coke battery, which shows the ovens, the gas heating manifold system/flues, the off-take system, and the collection main.
3. For the by-pass bleeder flare at the Facility:
  - a. Provide a detailed description of how the by-pass bleeder flare operates and how compliance with all title V permit conditions applicable to such flare is demonstrated;
  - b. Describe in detail the frequency that coke oven gas (COG) is vented to the by-pass stack; and
  - c. State whether COG emissions from the by-pass bleeder flare are reported to EPA and/or NYSDEC as deviations from TCC's title V permit requirements. If your answer is yes, indicate to whom they were reported and provide copies of all such reports for the past five (5) years. If your answer is no, explain why such emissions are not reported.
4. For the flaring event of March 17, 2009 at the Facility:
  - a. Provide a copy of all reports submitted to NYSDEC regarding such event;
  - b. Describe this flaring event in detail, including the cause(s) and duration of the event, the flow rate of COG to the flare during the event, the chemical composition of the COG routed to the flare during the event, and any measures that were taken by TCC to mitigate the event; and
  - c. Provide copies of all calculations of the COG emissions resulting from this flaring event.
5. Provide copies of the complete results of all stack/emissions tests conducted at the Facility during the past ten (10) years, and all associated stack test reports.
6. Provide a detailed description of how TCC quantifies and tracks its production of foundry coke and furnace coke at the Facility.

7. For the coke ovens and coke oven doors at the Facility:
  - a. Provide a detailed description of the maintenance procedures used for the coke ovens and coke oven doors to minimize leakage from the ovens to the flue, and leakage from the coke oven doors;
  - b. Provide copies of records of all maintenance and repair activities performed on the coke ovens and coke oven doors for the past five (5) years;
  - c. Provide a detailed technical analysis of the oven-to-flue leakage for each coke oven; and
  - d. Provide a list that presents, in descending order, the coke ovens with the greatest amount of oven-to-flue leakage to the coke ovens with the least amount of oven-to-flue leakage.
8. For the quench towers at the Facility:
  - a. State whether the quench towers have any baffles. If your answer is no, explain why not; and
  - b. Explain in detail TCC's maintenance program for the quench towers. Provide copies of records of all maintenance and repair activities conducted at the quench towers during the past five (5) years.
9. Provide copies of records of all analyses done pursuant to 6 N.Y.C.R.R. § 214.5(b), during the past five (5) years, regarding total dissolved solids (TDS) in the quench water.
10. Provide copies of records of all analyses regarding the COG sulfur content limit specified in 6 N.Y.C.R.R. § 214.9(a), for the past five (5) years.

NESHAP Subpart L – Benzene Emissions from Coke By-Product Recovery Plants

11. Provide a copy of the initial source report submitted for NESHAP Subpart L, pursuant to 40 C.F.R. § 61.10.
12. Provide a detailed explanation of how benzene emissions are controlled at each of the Facility's furnace and foundry coke (as applicable) by-product recovery plant sources that are listed in 40 C.F.R. § 61.130(a) and (b). ("Furnace coke by-product recovery plant" and "foundry coke by-product recovery plant" are defined in 40 C.F.R. § 61.131).

13. For each source listed in 40 C.F.R. § 61.130(a) and (b) that is located at the Facility, including the light-oil storage tank and the excess ammonia-liquor storage tanks (defined in 40 C.F.R. § 61.131):
  - a. Provide a detailed description of all control systems installed on each source to control air emissions;
  - b. Provide the specific date(s) when each control system was installed and placed in service; and
  - c. Specify the operating parameters monitored for each control system, and describe how TCC ensures compliance with the monitoring requirements in 40 C.F.R. § 61.132.
14. For each control system identified in response to Paragraph 13, above, provide a copy of:
  - a. the detailed schematics, design specifications, and piping and instrumentation diagrams (see 40 C.F.R. § 61.138(a)(1));
  - b. the operational specifications for the pressure drop monitors; and
  - c. the annual maintenance inspection records (see 40 C.F.R. § 61.138(b)).
15. Provide a list of all equipment at the Facility that is "in benzene service" (defined in 40 C.F.R. § 61.131). The list must at a minimum include the type of equipment, the type of service (liquid or gas), the frequency that the equipment is monitored for leaks, and the unique identification tag numbers (see 40 C.F.R. § 61.135(c)) for such equipment.
16. For all equipment in benzene service, for the past five (5) years, provide copies of all records required to be kept pursuant to 40 C.F.R. §§ 61.135(a) and 61.246, including but not limited to:
  - a. a copy of the detailed schematics, design specifications, and piping and instrumentation diagrams (see 40 C.F.R. § 61.246(d));
  - b. documentation of when each leak was discovered, when each leak was repaired, the method used to repair each leak, etc. (see 40 C.F.R. § 61.246(c));
  - c. copies of all repair records for all equipment found to be leaking during the EPA inspection of April 14 through 21, 2009 (as documented by EPA to TCC upon completion of the inspection);

- d. copies of all records of the weekly visual monitoring for all pumps (see 40 C.F.R. § 61.242-2(a)(2)); and
  - e. copies of the monthly monitoring records for all pumps and valves in benzene service (see 40 C.F.R. §§ 61.242-2(a)(1) and 61.242-7(a)).
17. For all equipment in benzene service, for the past five (5) years, provide copies of all records of follow-up Method 21 monitoring conducted for leaking components.
18. Provide a copy of the written notification submitted to EPA or NYSDEC pursuant to 40 C.F.R. § 61.138(e), including, but not limited to, the information required under § 61.138(e)(4).
19. For the COG exhaust and venting system at the Facility:
- a. Provide a process and instrumentation diagram for the entire COG exhaust and venting system; and
  - b. Provide all documentation of any gas analyses conducted for the COG (e.g., chemical composition of the COG).
20. For the pressure relief valve (PRV) on the coke oven gas return line at the Facility:
- a. Provide a detailed description of the function of the PRV, and how this PRV operates;
  - b. Provide the date of installation for the PRV bleeder valve;
  - c. Provide a detailed description of TCC's operating procedures for the PRV, including all documentation of such procedures;
  - d. Describe each operating parameter that is monitored for the PRV, and provide copies of all monitoring records for the PRV, for the past five (5) years;
  - e. Provide an estimate of the quantity of COG emitted from the PRV on a daily and monthly basis, in pounds per hour (lbs/hr), and an estimate of the hours per day that emissions from the PRV occur; and
  - f. State whether any COG emissions from the PRV are reported to EPA or NYSDEC as deviations from TCC's title V permit requirements. If your answer is yes, provide copies of all such

reports for the past five (5) years. If your answer is no, explain why such emissions are not reported.

21. For exhausters No. 1, 2 and 3 at the Facility, provide a detailed description of the operation, maintenance and repair of each exhauster during the past five (5) years, including copies of all records regarding their operation, maintenance and repair. The description and/or records must at a minimum indicate the dates when each exhauster was in service, out of service, and under repair.
22. The January 9, 1992 initial notification submitted by TCC states that emissions from the crude light oil recovery process (still-vent, wash oil circulation tank, wash oil decanter and secondary wash oil decanter) are controlled by a catalytic convertor. With respect to this control system:
  - a. List the parameters that were/are monitored for this control system;
  - b. Provide copies of all monitoring records for this control system, for the past five (5) years. If this is no longer the control system used by TCC, indicate when a new or replacement control device was installed and placed in service;
  - c. Provide a copy of any notification made pursuant to 40 C.F.R. § 61.10(c), with respect to a new or replacement control system; and
  - d. Provide copies of all monitoring records for any new or replacement control system, for the past five (5) years.
23. Provide a copy of an identification tag used by TCC at the Facility to comply with the leak detection requirements in 40 C.F.R. § 61.246(b)(1).

Title V Permit (Permit ID: 9-1464-00113/00031)

24. With respect to Items 98.2 and 99.2 of TCC's title V permit, provide copies of all records of weekly opacity readings for the past five (5) years.
25. With respect to Item 35.2 of TCC's title V permit:
  - a. Provide all records of visible emission observations conducted at the Facility during the past five (5) years;
  - b. Provide a list of all persons who conducted the visible emission observations at the Facility during the past five (5) years, and for each person, indicate whether or not he or she is certified to

conduct such observations and provide copies of all such certifications; and

- c. If Method 9 readings are conducted, provide copies of all such readings for the past five (5) years. Include documentation of all actions taken to bring visible emissions within permitted levels.
26. With respect to Item 36.2 of TCC's title V permit, state whether the NOx RACT stack test was conducted for Boiler No.7. Provide a copy of the results of, and reports on, the most recent NOx RACT stack test for Boiler No. 7.
27. With respect to Items 37.2 and 38.2 of TCC's title V permit, provide copies of all records of the annual tune-ups for the past five (5) years.

Coke Oven MACT Subpart L

28. Provide a copy of TCC's initial compliance certification for the Facility (see 40 C.F.R. § 63.311(b)).
29. With respect to Test Method 303 (see Appendix A to 40 C.F.R. Part 63):
- a. State the name of the entity and/or person(s) that conducted the Method 303 readings at the Facility during the last five (5) years;
  - b. Provide copies of all Method 303 certifications of the observers that conducted Method 303 observations during the past five (5) years;
  - c. Provide copies of the daily Method 303 observation records for the past five (5) years;
  - d. Provide an example of how the daily and 30-day rolling average leak rates are calculated for the topside port lids, the coke oven doors and the off-take systems;
  - e. Provide an example of how the logarithmic 30-day rolling average of the seconds of visible emissions per charge is calculated; and
  - f. Provide copies of all monthly summary sheets for the past five (5) years.

30. For the collecting main and off-take system at the Facility:
  - a. Provide copies, for the past five (5) years, of all records of the time and date that a leak is first observed, the time and date the leak is temporarily sealed, and the time and date of repair (see 40 C.F.R. § 63.308); and
  - b. Provide the name(s) and title(s) of each person who conducted leak repairs at the Facility during the past five (5) years.
31. Provide all documentation of TCC's Test Method 22 observations (see Appendix A to 40 C.F.R. Part 60), required under 40 C.F.R. § 63.309(h)(1), for the past five (5) years. If Method 22 observations were not conducted, explain why not.
32. For the pilot light installed on the by-pass bleeder flare at the Facility:
  - a. Provide the date when the pilot light was installed on the by-pass bleeder flare;
  - b. Explain in detail how the pilot light on the by-pass bleeder flare is monitored continuously, consistent with 40 C.F.R. §§ 63.307(b)(4) and 63.309(h)(2);
  - c. Provide all documentation indicating when the thermocouple or equivalent device is in service, and when it is not in service, for the past five (5) years; and
  - d. Provide all documentation of maintenance and repair of the pilot light, for the past five (5) years.
33. Provide detailed information and documentation regarding all periods during the past five (5) years in which the Facility's by-pass bleeder flare was not operating with a pilot flame present. The information must include the date(s) and the duration of each such period. For each period, explain in detail the reason(s) why the flare was not operating with a pilot flame present.
34. For all periods during the past five (5) years when visible emissions were determined to be greater than 0 percent, state who conducted the observations and describe the method used to conduct the observations. Provide complete documentation of all actions taken to bring the visible emissions to 0 percent.



35. Provide a copy of the initial written startup, shutdown and malfunction plan required by 40 C.F.R. § 63.310(b), and all revisions made to the plan pursuant to 40 C.F.R. § 63.310(h).

NESHAP Subpart FF–Benzene in Wastewater

36. Provide a copy of the initial status report submitted pursuant to 40 C.F.R. § 61.357(a), regarding the applicability of 40 C.F.R. Part 61, Subpart FF to the Facility.
37. Provide copies of all data used to determine the total annual benzene (TAB) quantity in Facility waste. The documents must at a minimum include all analytical data from the original sampling and analysis referred to in TCC's October 1, 1990 submittal, and any engineering assumptions used in calculating the TAB.
38. For each Facility point of generation listed below, provide an estimate of the annual wastewater flow rates (in gallons per year) for the past five (5) years. Provide all supporting documentation for each estimate.
  - a. The ten (10) COG drip leg condensate locations;
  - b. The downcomer sump (secondary cooler sump);
  - c. The two (2) tar precipitator sumps; and
  - d. The ammonia removal system sumps.

Attachment to Enclosure 1

CERTIFICATION OF RESPONSE

State of \_\_\_\_\_:

County of \_\_\_\_\_:

I certify, under penalty of law, that I have personally examined and am familiar with the information submitted in response to the Information Request and all documents submitted with this response, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted with this response are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that for one year from the date of the Information Request, I am under an obligation to supplement my response to the Information Request if any additional information relevant to the matters should become known or available to me.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY THAT ON September 1, 2009, I MAILED A TRUE COPY OF THE ATTACHED DOCUMENT BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED, ARTICLE NUMBERS 7002-2030-0006-5359-0721 POSTAGE PRE-PAID, UPON THE FOLLOWING PERSON(S):**

**Mr. Mark L. Kamholz  
Manager-Environmental Control  
Tonawanda Coke Corporation  
3875 River Road  
Tonawanda, New York 14150-6507**

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**Geraldo Villaran**